

MINUTES  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, July 3, 2006

Division Five

**A112777 – The People v. Daniel Sturdevant.**

The order appealed from is affirmed. Gemello, J. We Concur: Jones, P.J., Reardon, J.\*  
(Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, July 6, 2006

Division Two

**A108619 – James Perry et al., v. East Bay Regional Park District et al.**

Order Certifying Opinion for Partial Publication. The Court: The opinion in the above-entitled matter filed on June 13, 2006 was not certified for publication in the Official Reports. For good cause, the request for publication by defendants and respondents is granted, in part. Kline, P.J. (Certified for Partial Publication)

**A113454 – Don Davenport v. State of California et al.**

The appeal is dismissed. Davenport is to pay the costs of appeal. Lambden, J. We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication)

Division Five

**A107543 – Candace R. Wali, as Administrator, etc. v. Ellis D. Travis.**

The appeal and the cross-appeal are dismissed for lack of jurisdiction. Gemello, J. We Concur: Simons, Acting P.J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, July 7, 2006

Division One

**A110731 – In re Ronald P., a Person Coming Under the Juvenile Court Law. The People v. Ronald P.**

The matter is remanded to the juvenile court to allow the court to exercise its discretion to determine whether the assaults were misdemeanors or felonies. In all other respects the judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

**A111654 – Peter Lewis et al., v. Matthew Katz.**

The judgment is affirmed and the band is awarded the costs of appeal. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication)

**A111916 – The People v. James H. White.**

We have carefully reviewed the entire record and discern no error in the waiver of rights and admonishments leading up to entry of the plea. We find no error in sentencing. There being no meritorious issues to be argued, the judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication)

**109304 – In re the Marriage of Patrick MacIntyre and Fiona MacIntyre. Patrick MacIntyre v. Fiona MacIntyre.**

The order imposing sanctions under section 271 is affirmed. Respondent is awarded her costs on appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

**A111157 – In re Mariah V., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Roosevelt V.**

The order is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Friday, July 7, 2006 (continued)

Division Three

**A114195 – California Family Bioethics Council v. Independent Citizens’ Oversight Committee.**

**A114282 – People’s Advocate, et al., v. Independent Citizens’ Oversight Committee, et al.**

By the Court: Upon the parties’ stipulation, and good cause appearing, it is ordered that the appeals in docket numbers A114195 and A114282 be consolidated for purposes of briefing, oral argument (if any) and decision. Counsel for all parties are directed to list both appellate case numbers on all future pleadings. McGuiness, P.J.

**A108850 – The People v. Brian Alan Misquez.**

The judgment is affirmed. Pollak, J. We Concur: Parrilli, Acting P.J., Siggins, J. (Not for Publication)

Monday, July 10, 2006

Division One

**A110462 – In re Tony L., a Person Coming Under the Juvenile Court Law. The People v. Tony L.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

Division Two

**A108942 – The People v. Edwin F. Valencia.**

By the Court: It is ordered that the opinion filed herein on June 22, 2006, and the modification filed June 30, 2006, be modified as follows: (See Order) This modification does not effect a change in the judgment. The opinion remains unchanged other than this code section modification. Haerle, Acting P.J. (Not for Publication)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Monday, July 10, 2006

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Parrilli, J., and Kline, J., (Presiding Justice, First Appellate District, Division Two, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution); and B. Robbins, Deputy Clerk.

In re Marriage Cases.  
Judicial Council Coordination Proceedings No. 4365

A110449, City and County of San Francisco v. State of California, et al.  
A110450, Tyler, et al., v. State of California  
A110451, Woo, et al., v. State of California  
A110463, Clinton, et al., v. State of California

Causes called and argued by Christopher E. Krueger, counsel for appellant State of California in all four appeals; Therese M. Stewart, counsel for respondent City and County of San Francisco in A110449; John S. West, counsel for Tyler respondents in A110450; Shannon P. Minter, counsel for respondent-intervenor Equity California in A110450 and Woo respondents in A110451; and Waukeen Q. McCoy, counsel for Clinton respondents in A110463. Causes ordered submitted.

Court recessed until 1:30 p.m.

Court re-convened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Parrilli, J., and Kline, J., (Presiding Justice, First Appellate District, Division Two, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution); and B. Robbins, Deputy Clerk.

In re Marriage Cases.  
Judicial Council Coordination Proceedings No. 4365

A110651, Proposition 22 Legal Defense and Education Fund v. City and County of San Francisco, et al.  
A110652, Campaign for California Families v. Newsom, et al.

Caused called and argued by Glen Lavy, counsel for appellant Proposition 22 Legal Defense and Education Fund; Mathew D. Staver, counsel for appellant Campaign for California Families; Therese M. Stewart, counsel for City and County of San Francisco, et al.; and Shannon P. Minter, counsel for respondent-intervenors Martin, et al. Causes ordered submitted.

Court adjourned.

Monday, July 10, 2006 (continued)

Division Five

**A110726 – The People v. Robert Jay Ormsby.**

The \$200 probation revocation restitution fine imposed under section 12022.44 is stricken. In all other respects, the probation order is affirmed. Jones, P.J. We Concur: Gemello, J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



Tuesday, July 11, 2006

Division One

**A111046 – Marcus A. Jackson v. Elizabeth Lee.**

The judgment is affirmed with costs awarded to defendant. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication)

**A110410 – In re Adam G., et al., Persons Coming Under the Juvenile Court Law. San Mateo County Human Services Agency v. Vincent J.; Rosario G., Movant and Appellant.**

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

**A111474 – Harold Rucker v. Titus Rucker.**

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondent. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

**A110287 -- The People v. Dwight Williams.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

**A112476 – The People v. Antonio F. Silveyra.**

The trial court identified circumstances in aggravation which authorize the upper term sentence and it is beyond our purview to disagree. The sentence is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication)

**A109646 – In re Cynthia B., et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Jose B.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

Tuesday, July 11, 2006

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Reardon, J. and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Aron Ching, Bailiff.

A110866      In re the Marriage of Holmes.  
Dean P. Holmes  
v.  
Joan N. Holmes  
Cause called. Bernard N. Wolf argued for appellant Dean P. Holmes. Kelly M. Walsh teleargued for respondent. Cause submitted.

A111375      In re Alex M., a Minor.  
People  
v.  
Alex M.  
Cause called. Kathleen Woods argued for appellant Alex M. Certified Law Student Glenn Kim, as supervised by Deputy Attorney General Bruce Ortega, argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Sepulveda, J. and Rivera, J.

A112481      Fred Feied  
v.  
The Regents of the University of California et al.  
Cause called. Andrew W. Shalaby argued for appellant Feied. Eric K. Behrens argued for respondents; Susan King appeared, but did not argue. Cause submitted.

At this point, the court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A111667      Alan K. Wong et al.  
v.  
San Francisco Board of Education et al.  
Cause called. No appearance on behalf of appellants Wong et al. Robin B. Johansen and Barbara L. Lyons argued for respondents. Cause submitted.

Court adjourned at 10:35 a.m.

Tuesday, July 11, 2006 (continued)

Division Five

**A112761 – Robert Carpenter v. The Superior Court of Alameda County; Yamaha Motor Corporation, USA, R.P.I.**

The order to show cause, having served its purpose, is discharged, and the petition is granted. Let a peremptory writ of mandate issue, directing the trial court to vacate its order granting the mental examination of Carpenter, and to enter a new and different order consistent with the view expressed in this opinion. The stay of proceedings in the trial court is dissolved upon the finality of this decision in this court (Cal. Rules of Court, rule 24(b)(1)). Petitioner shall recover his costs. Reardon, J.\* We Concur: Simons, Acting P.J., Gemello, J. (Certified for Publication)

**A105385 – The People v. Ricky Renee Sanders et al.**

The judgment is modified to stay the sentences imposed on Sanders and Cabrellis for false imprisonment and cutting a utility line, including any enhancements. The stay becomes permanent upon each defendant's service of the remainder of his sentence. All enhancements imposed on Cabrellis pursuant to section 12022.1 are stricken. As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, July 12, 2006

Division One

**A111660 – In re Raymond G., a Person Coming Under the Juvenile Court Law.  
San Francisco Department of Human Services v. Raymond G.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

**A108303 – Leah Dible v. Haight Ashbury Free Clinics, Inc. et al.**

The judgment is affirmed in part and reversed in part. The order taking the special motion to strike off calendar is reversed. The matter is remanded for further proceedings consistent with this opinion. Each party will bear its own costs on appeal. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

**A107795 – The People v. Toledo Perez Selvin et al.**

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Busch, J.\* (Not for Publication)

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\* Judge of the Superior Court of San Francisco County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, July 12, 2006

Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: McGuiness, P.J., Parrilli, J., and Pollak, J.; and B. Robbins, Deputy Clerk.

- A110936     In re David Q.  
              The People,  
              v.  
              David Q.  
Cause called and argued by Rita L. Swenor, counsel for appellant, and Allyson Bennett, counsel for respondent. Cause ordered submitted.
- A109079     The People,  
              v.  
              Manuel Castillo Cuevas.  
Cause called and argued by Lerue Grim, counsel for appellant, and Kelly Croxton, counsel for respondent. Cause ordered submitted.
- A110074     Stop Loss Insurance Brokers, Inc.  
              v.  
              Brown & Toland Medical Group.  
Cause called and argued by John L. Erikson, counsel for appellant, and Michael A. Duncheon, counsel for respondent. Cause ordered submitted.
- A111470     Grosvenor Clift Associates,  
              v.  
              Apollo Real Estate Investment Fund.  
Cause called and argued by Charles Kagay, counsel for appellant, and Danielle C. Lesser, via teleconference, counsel for respondent. Cause ordered submitted.
- A111375     Greg Levy,  
              v.  
              Zhenwen Liang.  
Cause called and argued by Timothy J. Hannan, counsel for appellant, and Robert A. Nellessen, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Siggins joined the bench. Justice Pollak remained in the courtroom but did not participate in argument of the next case.

A112453    The People,  
              v.  
              Stephone Johnson.  
Cause called and argued by Eric Liberman, via teleconference, counsel for appellant, and Martin S. Kay, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice McGuinness left the bench. Justice Parrilli presided over the last case on the morning calendar. Justice Pollak re-joined argument for the last case.

A107903    Global Energy & Technology, Inc.,  
              v.  
              Thomas Reiner, et al.  
Cause called and argued by Joseph P. Corey, counsel for appellant, and Michael Chase, counsel for respondent. Cause ordered submitted.

Court adjourned.

Wednesday, July 12, 2006 (continued)

Division Four

**A111700 – The People v. Timothy Harris.**

Judgment affirmed. Reardon, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication)

**A109929 – In re Michael C., a Person Coming Under the Juvenile Court Law. The People v. Michael C.**

The CYA commitment and the restitution order are affirmed. The case is remanded for a determination of appellant's maximum period of confinement, based on the specific facts and circumstances of his case. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

Division Five

**A110341 – Wilson & Wilson v. City Council of Redwood City et al.**

We reverse. Costs to appellants. Simons, J. We Concur: Jones, P.J., Reardon, J.\* (Not for Publication)

**A111059 – Frog Creek Partners, LLC v. Vance Brown, Inc.**

The judgment is affirmed. Reardon, J.\* We Concur: Simons, Acting P.J., Gemello, J. (Not for Publication)

**A111041 – Andrew Warren Hagen v. Hamada Karcz.**

The order denying reconsideration of mother's request for attorney fees is reversed. The order denying reconsideration is otherwise affirmed. Father's motion for sanctions is denied. The parties shall pay their own costs on appeal. Simons, Acting P.J. We Concur: Gemello, J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday July 13, 2006

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J. and Fred Abad, Deputy Clerk.

Justice Marchiano announced that Justice Margulies is on the panel for this morning's calendar, but would not be present for oral argument. However, oral argument will be available for review by Justice Margulies by audio recording. Justice Marchiano called the calendar and all the parties waived the presence of Justice Margulies.

- A110944 Windsor R/V – Waterworks Park Co.,  
v.  
Santa Rosa City Schools, et al.  
Cause called and argued by James Parton III, counsel for appellant, and Arthur Wick, counsel for respondents. Cause ordered submitted.
- A110047 Marriage of Steffen.  
David H. Steffen,  
v.  
Kenny D. Steffen.  
Cause called and argued by Lawrence Buchanan, counsel for appellant, and Bernard Wolf, counsel for respondent. Cause ordered submitted.
- A110536 Jim Petropoulos,  
v.  
Department of Real Estate of the State of California.  
Cause called and argued by Gary Garfinkle, appellant, and Kristian Whitten, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Swager joined the bench.

Continued



A109925    Renee Brown,  
              v.  
              Chet Washington.  
Cause called and argued by Minouche Kandel, counsel for appellant, and Charles  
Katz, counsel for respondent. Cause ordered submitted.

A111153    Maurice Dunbar,  
              v.  
              Albertson's, Inc.  
Cause called and argued by Scott Cole, counsel for appellant, and Rex Heinke,  
counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Thursday, July 13, 2006

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., Swager, J., and F. Abad, Deputy Clerk.

Justice Marchiano announced that Justice Margulies is avoidably away for oral argument this afternoon for the second case on calendar. Justice Margulies will be able to listen to the audio recording of the argument, and participate in post-argument conference. The parties waived the presence of Justice Margulies.

A110178 Snyder Trust Enterprises, et al.,  
v.  
Massimo Fuchs.  
Cause called and argued by David May, counsel for appellants, and Massimo Fuchs, respondent in propria persona. Cause ordered submitted.

At this point in the proceedings, Justice Marchiano left the bench and Justice Stein presided over the next case on calendar.

A098073 Margie McRae,  
A098330 v.  
A098910 State of California Department of Corrections  
A100745 Cause called and argued by Lyn Harlan, counsel for appellant, and Stephen  
A104701 Schear, counsel for respondent. Cause ordered submitted.

Court adjourned.

Thursday, July 13, 2006 (continued)

Division Two

**A111877 – The People v. Gene Douglas Smith, Jr.**

Our independent review having found no arguable issues that require briefing, the judgment of conviction is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Three

**A108977 and A111709 – In re Curtis C., a Person Coming Under the Juvenile Court Law. The People v. Cutis C.; In re Curtis C., on Habeas Corpus.**

Order Modifying Opinion and Denying Rehearing and no change in judgment. By the Court: It is ordered that the opinion filed herein on June 19, 2006, be modified as follows: (See Order) The petition for rehearing is denied. There is no change in the judgment. McGuiness, P.J. (Not for Publication)

**A113019 – The People v. Wesley Beavers.**

The February 8, 2006 order is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

**A109572 – Harold Bowles v. Regents of University of California et al.**

The judgment is affirmed. Each party shall bear its costs on appeal. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication)

Division Five

**A111193 – In re Lee H., a Person Coming Under the Juvenile Court Law. The People v. Lee H.**

The judgment is affirmed. Reardon, J.\* We Concur: Jones, P.J., Simons, J. (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, July 14, 2006

Division Three

**A110936 – In re David Q., a Person Coming Under the Juvenile Court Law. The People v. David Q.**

The commitment order of the Juvenile Court is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

**A110973 – Employers Insurance Company of Wausau v. The Travelers Indemnity Company et al.**

Order Certifying Opinion for Partial Publication. The Court: The opinion in the above-entitled matter filed on June 16, 2006, was not certified for publication in the Official Reports. For good cause, respondent's request for partial publication is granted as follows: (See Order) McGuiness, P.J. (Certified for Partial Publication)

**A111470 – Grosvenor Clift Associates v. Apollo Real Estate Investment Fund.**

The judgment is reversed. Costs on appeal are awarded to Grosvenor Clift Associates. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

**A111375 – Greg Levy v. Zhen When Liang.**

The judgment is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. The parties shall bear their respective costs on appeal. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

**A109079 – The People v. Manuel Castillo Cuevas.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

Division Four

**A111440 – Estate of Raymond Earl Day, Deceased. David A. Day v. James Conway.**

The order of the probate court denying Conway's motion to set aside the final distribution of the Estate is affirmed. Costs on appeal are awarded to David. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication)

**A111170 – The People v. Ronnie Hodge.**

The order imposing victim restitution in the amount of \$500 is ordered stricken from the judgment. In all other respects, the judgment is affirmed. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication)

Friday, July 14, 2006 (continued)

Division Five

**A111984 – The People v. Sonny Duran Bueno.**

The judgment of conviction is affirmed. Reardon, J.\* We Concur: Jones, P.J., Gemello, J. (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, July 17, 2006

Division Two

**A107302 – The People v. Kelli Jean Nunez et al.**

The Nunez matter is remanded to the trial court with directions to (1) stay imposition of Nunez's sentence on count one (conspiracy to commit contempt of court), pursuant to section 654; (2) grant Nunez pretrial confinement credit for the time she spent in custody for civil contempt; and (3) issue a corrected abstract of judgment for Nunez. The judgments are otherwise affirmed. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Monday, July 17, 2006

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Officer LaPonte and S. Wheeler, Deputy Clerk.

- A112418      In re Demariay W., a Person Coming Under the Juvenile Court Law.  
The People,  
v.  
Demariay W.  
Cause called and argued by Jeffrey Alan Glick, counsel for appellant, and Christopher W. Grove, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A112268      James Clayworth, et al.,  
v.  
Johnson & Johnson.  
Cause called and argued by Russell F. Brasso, counsel for appellants, and Samuel Miller, counsel for respondent. Cause ordered submitted.
- A112661      Michael Ray,  
v.  
Barbara Goodman.  
Cause called and Andrew James Kopp, counsel for appellant, and Marilynn Winters, counsel for respondent, waive oral argument. Cause ordered submitted, Court will delay issuance of opinion for two weeks.
- Court recessed until 1:30 p.m.
- Court reconvened at 1:30 p.m. Present: Kline, P.J., Haerle, J., Richman, J., Officer Scrivner and S. Wheeler, Deputy Clerk.
- A109695      The People,  
v.  
Raphael Sanchez.  
Cause called and argued by Linda Ellen Buchser, counsel for appellant, and Allen R. Crown, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A110634 Allen R. Simpson,  
v.  
JAMS Endispute/An ADR Provider.  
Cause called and argued by Jessica Rudin MacGregor, counsel for  
respondent; appellant was not present. Cause ordered submitted.

At this point of the proceedings, P.J. Kline left the bench and J. Lambden joins  
the bench for the remainder of the calendar.

A108538 The People,  
v.  
Durelle Crawford.  
Cause called and argued by Mai Linh Spencer, counsel for appellant, and  
Lisa Ashley Ott, Deputy Attorney General, counsel for respondent. Cause  
ordered submitted.

A109282 Donald R. Eutenier,  
v.  
Charles Kluge.  
Cause called and argued by Terry Michael Ewing, counsel for appellant,  
and Brooke A. Brigham, counsel for respondent. Cause ordered submitted.

**COURT ADJOURNED.**



Monday, July 17, 2006 (continued)

Division Three

**A108455 – The People v. Ryan Tippins.**

The order revoking probation is affirmed. The judgment of conviction for battery on a custodial officer is reversed, and the matter is remanded to the trial court. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

Division Four

**A109937 – The People v. Elijah Haynesworth.**

The judgment is affirmed. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication)

Tuesday, July 18, 2006

Division One

**A112799 – The People v. Patrick Lee Schubert.**

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

**A108482 – The People v. Jade Emily Anderson.**

Defendant's conviction is reversed. The matter is remanded for a new trial. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Certified for Partial Publication)

**A111831 and A112622 – Ronald Stone v. Jason Perkins.**

Accordingly, we affirm the judgment and the order granting respondent's motion for fees and costs. Costs on appeal are awarded to respondent. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Tuesday, July 18, 2006

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Officer Umeki, and I. Santos, Deputy Clerk.

A111901      In re Ryan M., a Person Coming Under the Juvenile Court Law.  
The People,  
v.  
Ryan M.  
Cause called and argued by Jeremy T. Price, counsel for appellant, and Arthur P. Beever, Deputy Attorney General, counsel for respondent. Cause argued and submitted.

At this point of the proceedings, Justice Haerle left the bench and Justice Richman joined the bench for the remainder of the calendar.

A103913      The People,  
v.  
Melrolando Warren.  
Cause called and argued by George Schraer, counsel for appellant, and Catherine McBrien, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A108972      Jeffrey Koehl et al.,  
A110110      v.  
A110447      Verio, Inc.  
Cause called and argued by Mark Thierman, counsel for appellants, and Dan Friesen, counsel for respondent. Cause ordered submitted.

A098666      San Mateo County Transit District,  
A099788      v.  
A099793      Tanforan Park Shopping Center LLC, et al.  
A101107      Cause called and argued by Alice Beasley, counsel for appellant, and Leslie  
A101119      Hausrath, counsel for respondent Tanforan Park Shopping Center, Mary Lacey,

A102724 counsel for respondent Sears Roebuck and Co., and George B. Speir, counsel for Target Corp. Cause ordered submitted.

**COURT ADJOURNED.**

Tuesday, July 18, 2006 (continued)

Division Three

**A111760 and A112898 – In re Kiana J., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Donnelle M.**

The Court: Good cause appearing, on its own motion, this court orders the appeals in A111760 and A112898 consolidated for purposes of oral argument, if any, and decision. McGuiness, P.J.

**A106844 – The People v. Oliver Sylvester.**

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication)

Division Four

**A112805 – The People v. Reza Eslaminia.**

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

Division Five

**A114092 – Damian T. v. The Superior Court of Solano County; The People, R.P.I.**

The Court:\* Let a peremptory writ of mandate issue commanding respondent superior court to set aside and vacate its May 19, 2006 order finding petitioner unfit for treatment under the juvenile court law, reconsider that finding in light of this opinion, and thereafter issue a new and different order ruling on the question of whether petitioner is a fit and proper subject to be dealt with under the juvenile court law. This decision shall be final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) Should the parties so stipulate in writing, the remittitur shall issue immediately. (Cal. Rules of Court rule 26(c)(1).) This court's previous stay order shall dissolve upon respondent superior court's compliance with the peremptory writ. \*Before Jones, P.J., Gemello, J., and Reardon, J.\* (Not for Publication)

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\* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, July 19, 2006

Division Two

**A114307 – Richard B. Dye, M.D. v. Superior Court of San Francisco County; Medical Board of California, R.P.I.**

The appeal is dismissed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

Division Three

**A107903 – Global Energy & Technology, Inc. v. Thomas Reiner.**

The judgment and order appeal from are affirmed. Siggins, J. We Concur: Parrilli, Acting P.J., Pollak, J. (Not for Publication)

**A114100 – Peter R. v. The Superior Court of Humboldt County; Humboldt County Department of Health and Human Services, R.P.I.**

The order to show cause is discharged, and the petition for extraordinary writ is denied on the merits. (§ 366.26, subd. (l); *In re Julie S.* (1996) 48 Cal.App.4<sup>th</sup> 988, 990-991.) Our decision is final immediately. (Rule 24(b)(3).) Siggins, J. We Concur: Parrilli, Acting P.J., Pollak, J. (Not for Publication)

**A112453 – The People v. Stephone Johnson.**

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Division Four

**A113753 – Deborah C. v. The Superior Court of the State of California, County of Contra Costa; Contra Costa County Children and Family Services Bureau, R.P.I.**

We affirm the order of the juvenile court. Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication)

Thursday, July 20, 2006

Division One

**A111153 – Maurice Dunbar v. Albertson's, Inc.**

The order denying class certification is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

**A107520 – The People v. Ron Freeman.**

By the Court: The petition for rehearing is denied. Marchiano, P.J.

**A113202 – The People v. James Edward Kelly.**

The order is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

**A109171 – The People v. James Everett Walker.**

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

Division Two

**A110940 – Joe Abouab et al., v. City and County of San Francisco et al.**

Whatever their motivation here, Petitioners must demonstrate their entitlement to attorneys' fees. This, they have not done, and the order denying attorneys' fees is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J. (Certified for Publication)

Division Three

**A109748 – The People v. George Cleveland Gray.**

The finding of a serious felony prior conviction for attempted burglary is stricken. The findings of a strike and serious felony prior conviction for battery with serious bodily injury are stricken. Defendant's sentence is modified from 49 years to life to 39 years to life. The trial court is directed to forward a corrected abstract of judgment to the Department of Corrections. The judgment is otherwise affirmed. Siggins, J. We Concur: Parrilli, Acting P.J., Pollak, J. (Not for Publication)

Thursday, July 20, 2006 (continued)

Division Four

**A111250 – The People v. Tobias Welch.**

The judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication)

**A113224 – In re Patrick B., a Person Coming Under the Juvenile Court Law. The People v. Patrick B.**

The juvenile court's order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)



Friday, July 21, 2006

Division One

**A110154 – The People v. Daniel Dimatteo.**

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

**A113080 – In re Gerrell H., a Person Coming Under the Juvenile Court Law. The People v. Gerrell H.**

The judgment sustaining the petition and sentence imposed are affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

**A112999 – In re Brandon B., a Person Coming Under the Juvenile Court Law. The People v. Brandon B.**

There being no meritorious issues to be argued, the judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Division Three

**A113457 – Susan L. Westbrook, as Trustee, etc. v. Rosemary Westbrook; Paul Beltz, Respondent.**

Memorandum Opinion. The appeal is dismissed. Siggins, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication)

Division Four

**A112176 – Linda De Maria et al., v. American Hawaiian Steamship Company.**

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication)

Friday, July 21, 2006 (continued)

Division Five

**A112803 – The People v. Franklin T. Howard.**

The order granting probation is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J.  
(Not for Publication)

Monday, July 24, 2006

Division Three

**A112673 – In re Liber R. Andrade, on Habeas Corpus.**

The petition for habeas corpus is denied. Parrilli, J. I Concur: McGuiness, P.J. (See Concurring and Dissenting opinion by Pollak, J.) (Certified for Publication)

Division Four

**A112481 – Frederick Feied v. The Regents of the University of California et al.**

The judgment is affirmed. Costs on appeal are awarded to defendants. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication)

**A112354 – The People v. Frank William Renna.**

The judgment is affirmed. Sepulveda, J. We Concur: Rivera, J., Ruvolo, P.J. (Not for Publication)

Division Five

**A110711 – Maurice Lee et al., v. City of Oakland.**

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

Tuesday, July 25, 2006

Division One

**A110974 – The People v. Gregory A. Barrett.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

**A110178 – Snyder Trust Enterprises, a California partnership et al., v. Massimo Fuchs.**

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication)

**A111488 – The People v. Chad Stephens.**

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication)

**A110944 – Windsor R/V Waterworks Park Co. v. Santa Rosa City Schools et al.**

The judgment is reversed with directions to enter an order sustaining the demurrer to the cross-complaint with leave to amend. Each side shall bear its own costs on appeal. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication)

**A109828 – The People v. Anthony R. Drayton.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

Tuesday, July 25, 2006 (continued)

Division Two

**A112492 – The People v. Debra Sangster.**

The judgment and sentence imposed are affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

**A108697 – California Consumer Health Care Council v. Kaiser Foundation Health Plan, Inc.**

The judgment of dismissal is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

**A111901 – In re Ryan M., a Person Coming Under the Juvenile Court Law. The People v. Ryan M.**

We therefore reverse the juvenile court's jurisdiction and dispositional orders. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

**A112969 – The People v. Wilfredo Baliguat Berdon.**

The order of probation is affirmed. Richman, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication)

**A112015 – The People v. Anthony J. Lee.**

The judgment shall be modified to strike the \$20 court security fee improperly imposed under section 1465.8 and, as so modified, is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication)

Division Three

**A110805 – In re Michael Z., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. David Z. et al.**

The July 5, 2005, juvenile court order is reversed, subject to reinstatement upon a determination that ICWA is inapplicable after the notice requirements of ICWA have been satisfied. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

Tuesday, July 25, 2006

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Ruvolo, P.J., Reardon, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Viktor Scrivner, Bailiff.

- A110992      In re Kevin A., a Minor.  
People  
v.  
Kevin A.  
Cause called. Jeffrey A. Needelman argued for appellant Kevin A. Michael Banister argued for respondent. Cause submitted.
- At this point, the court reconstituted itself to include Ruvolo, P.J., Sepulveda, J., and Rivera, J.
- A110942      Timothy Howard et al.  
v.  
Betz & Sons, Inc. et al.  
Cause called. Adam Gutride argued for appellants Howard et al. Robert R. Moore argued for respondents. Cause submitted.
- A111643      State Farm General Insurance Company  
v.  
Wells Fargo Bank et al.  
Cause called. Stephen Tamchin argued for appellant State Farm. Robert Yorio, John S. Spencer, and Summer Smith argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon, J., and Sepulveda, J.

A110823 Valent USA Corporation et al.

v.

Stop Huntingdon Animal Cruelty USA, Inc.

Cause called. David W. Graves argued for appellants Valent et al. Christine L. Garcia argued for respondent. Cause submitted.

A109874 John Frederic Garmon

v.

Peralta Community College District's Board of Trustees

Cause called. Bill Hopkins argued for appellant Garmon. Larry Frierson argued for respondent. Cause submitted.

The Court adjourned at 3:10 p.m.

Tuesday, July 25, 2006 (continued)

Division Five

**A110007 – The People v. Brett Miller.**

The judgment is reversed as to counts four and five. In all other respects, the judgment is affirmed. Jones, P.J. We Concur: Simons, J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



Wednesday, July 26, 2006

Division One

**A110261 – In re Hannah M., a Person Coming Under the Juvenile Court Law. Sonoma County Human Services Department v. Suzanne M.**

**A110804 – In re Hannah M., a Person Coming Under the Juvenile Court Law. Sonoma County Human Services Department v. Charles P.**

The order is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

Division Two

**A112418 – In re D. W., a Person Coming Under the Juvenile Court Law. The People v. D. W.**

Imposition of a \$50.00 restitution fine is stricken from the November 23, 2005 minute order. The juvenile court's orders are otherwise affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

**A110960 – The People v. Jeremy Notman.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication)

**A110634 – Allen R. Simpson v. Jams/Endispute, LLC.**

The judgment is affirmed. JAMS shall recover its costs on appeal. Kline, P.J. We Concur: Haerle, J., Richman, J. (Not for Publication)

**A112251 – In re T.B., a Person Coming Under the Juvenile Court Law. Solano County Department of Health and Social Services v. Misti C.**

We affirm the order of the court at the October 31, 2005 review hearing terminating reunification services to appellant in connection with T.B. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, July 26, 2006

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Pollak, P.J., and Siggins, J.; and J. Alameda, Deputy Clerk.

Justice Pollak announced that the panel for the first case consisted of himself, Justice Siggins, and Justice Parrilli; however, Justice Parrilli was away from court today. He informed counsel that she would review the recorded session upon her return. There being no objection Justice Pollak preceded with the first case.

A111726 The Parkwoods Community Association,

v.

The California Insurance Guarantee Association,  
Cause called and argued by Adrienne Cohen, counsel for appellant, and Daniel E. Angius, counsel for respondent. Cause ordered submitted.

Justice Pollak announced that the panel for the next case consisted of himself, Justice Siggins, and Justice Parrilli; however, Justice Parrilli was away from court today. He informed counsel that she would review the recorded session upon her return. There being no objection Justice Pollak proceeded with the next case.

A109410 The People.

v.

Stevie Jackson.

Cause called and argued by Gary Garfinkle, counsel for appellant, via teleconference, and Christina vom Saal, counsel for respondent. Cause ordered submitted.

Court Adjourned.

Wednesday, July 26, 2006 (continued)

Division Four

**A111021 – The People v. Bradley Terrance Wilson.**

**A112894 – In re Bradley Terrance Wilson, on Habeas Corpus.**

The order of commitment is affirmed. Wilson's petition for writ of habeas corpus is denied. Ruvolo, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

**A111385 – In re Alex M., a Person Coming Under the Juvenile Court Law. The People v. Alex M.**

The judgment of the juvenile court is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication)

**A113858 – Santa Fe Pacific Pipelines, Inc., et al., v. The Superior Court of the City and County of San Francisco; Union Pacific Railroad Company, R.P.I.**

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order granting Union Pacific's motion for an award of prejudgment interest. Instead, the trial court shall enter a new order denying that motion. Santa Fe shall recover its costs for this proceeding. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication)

Thursday, July 27, 2006

Division Four

**A112950 – The People v. Lionel Brackins.**

The trial court is directed to prepare an amended abstract of judgment reflecting total credits of 140 days and to forward the corrected abstract to the Department of Corrections. As so modified, the judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication)

**A110992 – In re Kevin A., a Person Coming Under the Juvenile Court Law. The People v. Kevin A.**

We affirm the judgment as to misdemeanor possession of methamphetamine, reverse as to the other counts, and remand for a new dispositional hearing. In light of this disposition, we need not address appellant's remaining contentions. Reardon, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication)

Friday, July 28, 2006

Division One

**A112834 – The People v. Wesley Frank Dummer.**

There are no sentencing errors. We find no arguable issues after a full review of the record, and, accordingly, affirm the judgment. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication)

Division Three

**A111934 – The People v. Sanford Charles Cornelius.**

The judgment is affirmed. Parrilli, Acting P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication)

Division Four

**A109874 – John Frederic Garmon v. Peralta Community College District et al.**

The judgment is affirmed. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication)

**A113235 – Seariver Maritime, Inc. v. The Superior Court of the City and County of San Francisco; Richard Taylor, R.P.I.**

Let a peremptory writ of mandate issue directing the respondent court to vacate that portion of its order denying defendant SeaRiver's motion to compel further production of documents and to issue a new order granting said motion. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication)

**A112915 – The People v. Miranda Janene Blade.**

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)

**A112280 – Howard C. Schuman v. Bessie Schuman, an Incompetent Person, etc.**

The order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication)

Friday, July 28, 2006 (continued)

Division Five

**A111569 – Matthew Allen Bowen v. Linuxcare, Inc., et al.**

The grant of summary judgment in favor of defendants and the denial of plaintiff's motion for summary adjudication of issues are affirmed. Costs on appeal to defendants. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication)

Monday, July 31, 2006

Division One

**A110047 – In re the Marriage of David S. and K.S. David S. v. K.S.**

The orders denying the motions to quash service of summon, to set aside the judgment, and to set aside the interspousal deed, and awarding attorney fees, are affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication)

**A110863 – Sandra Sealock v. Costco Wholesale Corporation.**

The judgment is reversed with directions to enter an order of summary adjudication as to the cause of action for intentional infliction of emotional distress and the claim for punitive damages. The parties shall bear their own costs on appeal. Marchiano, P.J. I Concur: Stein, J. (See dissenting opinion by Swager, J.) (Not for Publication)

**A107186 – The People v. Ralph A. Cendejas, Jr.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication)

Division Two

**A108538 – The People v. Durelle Crawford.**

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Richman, J. (Not for Publication)

**A111962 – The People v. Jerome Sephers.**

Our independent review having found no arguable issues that require briefing, the judgment of conviction is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication)

Monday, July 31, 2006 (continued)

Division Four

**A114420 – Clarus Systems, Inc. v. Variphy, Inc. et al.**

The appeal is hereby dismissed. Respondent is awarded its costs on appeal. Ruvolo, P.J.  
We Concur: Reardon, J., Sepulveda, J. (Not for Publication)

**A111107 – The People v. Lucion Banks.**

Given defendant's waiver of his right to appeal, dismissal of the appeal is appropriate.  
(*People v. Berkowitz, supra*, 34 Cal.App.4<sup>th</sup> at p.678.) Accordingly, the appeal is dismissed.  
Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication)

**A111007 – The People v. Ithiel Johnson.**

The judgment is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Certified  
for Publication)



Monday, July 31, 2006 (continued)

Division Five

**A110937 – The People v. Raymond John Velasquez.**

The judgment of conviction is affirmed. Reardon, J.\* We Concur: Simons, Acting P.J., Gemello, J. (Not for Publication)

**A111893 – The People v. Ich Tu Duong.**

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Reardon, J.\* (Not for Publication)

**A111671 – In re the Marriage of Judith and J. Frank George. Judith George v. J. Frank George.**

The order is reversed and the matter remanded to the trial court to award Mother attorney fees on appeal in an amount it determines reasonable and to determine whether Father is be entitled to any reimbursement for additional child support payments he made pursuant to section 4062 between September 2003 and June 2004. In all other respects, the order is affirmed. Each party to bear their own costs. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication)

**A110483 – Randy Howard v. Robert B. Wiren.**

The judgment is affirmed. Reardon, J.\* We Concur: Jones, P.J., Gemello, J. (Not for Publication)

**A111117 – The People v. Tuan P.**

The July 5, 2005 order denying rehearing is affirmed. Simons, J. We Concur: Jones, P.J., Reardon, J.\* (Not for Publication)

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\* Judge of the Superior Court of Alameda County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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